

Article 19. – CERTIFICATION OF ARSON INVESTIGATORS

22-19-1 Fire investigation and reporting. (a) All necessary and appropriate investigations of every fire or explosion or any attempt to cause a fire or explosion in this state by incendiary means or to defraud any insurance company shall be made by the state fire marshal, deputy state fire marshals, the chief of any paid or volunteer fire department, or any member of a fire department who has been duly designated by the chief, and the investigation shall be reported to the state fire marshal's office.

(b) Each person certified as a fire investigator I or II may conduct investigations that occur within the jurisdictional boundaries of the employing fire department or within the boundaries of any department with which the employing district has a statutorily authorized mutual aid, inter-local, or other contractual agreement concerning fire matters. Any investigation by a certified fire investigator I or II anywhere within the state may be authorized by the state fire marshal. (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999.)

22-19-2 Certification of fire investigators. (a) Each fire investigator who makes application and who meets and demonstrates the following criteria may be certified by the state fire marshal:

(1) Each applicant for fire investigator certification shall be recommended by the fire chief of the jurisdiction.

(2) Each applicant shall provide proof of successful completion of a fire investigation course, within the past five calendar years, that meets or exceeds the "standard for professional qualifications for fire investigator" established by the national fire protection association in publication number 1033, 1998 edition, adopted by reference, and all law enforcement training required under K.S.A. 74-5602 et seq., and amendments thereto, and applicable regulations. Each applicant for fire investigator II certification shall also successfully complete a firearms training course approved for law enforcement officers and shall be employed full-time by a fire department or law enforcement agency. An applicant for fire investigator I shall not be required to have firearms training or full-time status.

(3) Each applicant who has not completed a nationally recognized training course may be certified upon achievement of a score of not less than 70 percent correct on the fire investigation graded examination and upon presentation of all other requirements.

(4) Each applicant shall submit a completed KBI background investigation that demonstrates to the state fire marshal's satisfaction that the applicant has no criminal justice history or other disqualification for a law enforcement officer.

(b) Comparable qualifications from another state or jurisdiction may be recognized by the state fire marshal.

(c) Certification as a fire investigator shall be for a period of three years.

(d) Certification may be granted at two levels: fire investigator I or fire investigator II. Fire investigator I certification shall require the qualifications set out in paragraphs (a) (1) through (3) above. Qualification as a fire investigator II shall require, in addition to the requirements for fire investigator I, the successful completion of law enforcement firearms training and full-time employment as a paid member of a fire department or law enforcement agency.

(e) Any fire department or law enforcement agency may employ up to four certified fire investigator II's. Upon written application demonstrating good cause, additional certified fire investigator II's may be authorized by the state fire marshal. A fire department or law enforcement agency may employ any number of fire investigator I's. (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999.)

22-19-3 Fire investigation recertification. (a) Each individual shall apply for fire investigation recertification on a form approved by the state fire marshal. Each recertification application shall include the following:

(1) A completed recertification form;

(2) legible photostatic copies or originals of all documents establishing the points earned; and

(3) a notarized statement of eligibility for recertification.

(b) Each recertification application shall be received by the state fire marshal's office no later than 60 days before the expiration of the present certification.

(c) Recertification shall require the accumulation and documentation of at least 50 points in the three-year period following certification as follows:

(1) Training points shall be earned at the rate of one point for every clock hour of department-approved training attended or taught, and 10 points shall be earned for every college-level course of three or more credit hours on which the applicant achieves a grade of "C" or higher if the course content directly relates to fire investigation skills. A minimum of 30 points shall be earned in this category, and a maximum of 40 points may be earned.

(2) Experience points shall be earned for performing fire scene investigation and reporting or for the supervision of fire scene investigation and reporting. Points shall be earned at the rate of one point per fire investigation performed or supervised. A minimum of 10 points shall be earned in this category, and a maximum of 20 points may be earned.

(3) Tested points may be earned through achievement of a score of at least 70 percent correct on a graded fire investigation examination. Meeting this standard shall be equivalent to 10 testing category points.

(d) Recertification points shall not be carried over from one recertification period into another. Fire investigators who are certified before the effective date of this regu-

lation shall have up to two years to achieve recertification. (Authorized by and implementing K.S.A. 31-157; effective, T-84- 43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999.)

22-19-5 Reports, filing with state fire marshal. Each person certified as a fire investigator shall file a report of every fire investigation conducted by that certified investigator with the state fire marshal within 30 days. The report shall contain all information on the current report form used by the state fire marshal's deputies, including but not limited to name of owner, birthdate of owner, name of suspect, if any, birthdate of suspect, driver's license or other identification number of suspect, name of witnesses, birthdates of witnesses, driver's license or other identification of witnesses, name of insurance company, policy number and amount of insurance coverage. Supplements shall be filed indicating disposition of the case. Failure to file such reports shall be grounds for suspension or revocation of the certificate pursuant to K.A.R. 22-1-5. (Authorized by K.S.A. 1992 Supp. 31-133; implementing K.S.A. 31-137; effective May 10, 1993.)